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10/534,094	11/21/2005	Miguel Angel Gomez Caudevilla	2002P01457WOUS	2414

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER
JACOBSON, MICHELE LYNN

ART UNIT	PAPER NUMBER
1794	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,094	GOMEZ CAUDEVILLA ET AL.	
	Examiner	Art Unit	
	MICHELE JACOBSON	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 May 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/6/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate both the sleeve seal area and an inner section of the area of the attachment. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plastic member as an insert to the bearing shell as claimed in claims 14-17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11, 14-18, 20 and 26 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A description of the two different injection molding methods recited in claim 11, a description of how to form the plastic member as both an envelope and an insert into the bearing shell as claimed in claims 14-16 and a description of the mold necessary to form the plastic member and the

container in an interlocking engagement claimed in claims 17, 18, 20 and 26 are critical or essential to the practice of the invention, but not included in the claim(s) and not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

5. Regarding claim 11: The method of injection molding is very well known in the plastic shaping art and the recitation of "wherein at least one plastic member is applied to the bearing shell by an injection-molding method which differs from the injection molding of the remainder of the plastic container" is not enabled by the claim or the specification. The specification only recites the method of injection molding generically and never gives a specific example of a different method that could be used to injection mold the container portion.

6. Regarding claims 14-16: The specification never describes a configuration in which the plastic member is inserted into a bearing shell and it is unclear from the specification or the claim how this would be accomplished. The configurations shown in the figures only show the plastic member to be an envelope for the bearing shell. Since the bearing shell appears to be formed with the bearings directly inserted into it, it is unclear that there remains orifice of the bearing shell possible to have a plastic member inserted into it. Additionally, it is unclear from the claim or specification how the plastic member which is described to be disposed on the surface of the bearing shell in claim 10 can then become an insert into the bearing shell in claim 14. Furthermore, it is unclear from the claim or the specification what type of mold shape or injection molding technique would be necessary to dispose ribs on the plastic member that is inserted into

the bearing shell that would contact the plastic container as claimed in claim 15. Claim 16 recites an "envelope or insert forming the plastic member covers the entire side surface of the bearing shell and the attachment and sleeve seal area of the same". It is unclear from the claim or the spec how something inserted into the bearing shell can be expected to cover the entire side surface of the bearing shell since the side surface of the bearing shell according to the figures and the spec is on the outside of the bearing shell where nothing can be inserted.

7. Regarding claim 17 it is unclear from the specification how a plastic member accommodating *in* the bearing shell can surround the bearing shell. The configurations of the invention shown in the drawings only display the plastic member **(3)** *on* the bearing shell.

8. Regarding claim 18 it is unclear from the claim or the spec how the ring forming the plastic member "which is injection molded *around* the bearing shell" can at the same time be *in* the bearing shell as claimed in claim 17. Additionally, the elements of variable configurations of the plastic member to produce different forms of connection to the bearing shell and the plastic container are never specifically described in the spec or the claims. Special molds and techniques would be required to produce such configurations and would not be possible for one of ordinary skill in the art to produce from the information included in the application. These molds and techniques would be necessary to enable claims 20 and 26 as well. Conversely, the term "variable configuration" can also be interpreted to mean that the configuration of the plastic member is constantly changing which is also not discussed in the specification.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 10, 13, 15-18, 20, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 10 recites the limitation "*the* structural unit". There is insufficient antecedent basis for this limitation in the claim. The examiner believes this limitation should have been recited as "*a* structural unit".

12. Claim 13 is indefinite because it recites the limitation "higher strength and quality than the remainder of the container". The term "quality" is indefinite because which particular quality the plastic member is higher in than the rest of the container is not specified.

13. The term "greater strength" in claim 15 is a relative term which renders the claim indefinite. The term "greater strength" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term greater strength implies that a comparison must be made in order to determine the scope of the claim but applicant never provides what he intends his invention to be compared to.

14. Claim 16 recites the limitation "the attachment and sleeve seal area" of the bearing shell. There is insufficient antecedent basis for this limitation in the claim. These regions are not specifically disclosed or described in any of the claims from which claim 16 depends and therefore it would be impossible to determine which regions of the bearing shell applicant was intending the plastic member to be in contact with.

15. Claim 17 is indefinite because the plastic member cannot be in (as claimed in claim 17), on (as claimed in claim 10) and surrounding (as claimed in claim 17) the bearing shell all at the same time.

16. The term variable configuration recited in claim 18 renders the claim indefinite because it is unclear if the term is meant to mean that the configuration of the plastic member is constantly changing or if the configuration of the plastic member can be any configuration. Both interpretations would make it impossible to determine whether or not a plastic member were infringing upon the claim.

17. Claim 20 recites the limitation "the body of the container". There is insufficient antecedent basis for this limitation in the claim. Claim 19 from which claim 20 depends does not recite a container body and it is impossible to determine which region of the container the projections recited in claim 20 are meant to extend into.

18. Claim 25 is indefinite for reciting the limitations “applying a plastic member formed on the bearing shell with an injection molding process and then applying the container formed on the plastic member with an injection molding process". The way these limitations are written implies that the steps recited involved the application of an

injection molding process *on* the plastic member and the container, not an injection molding process used to form the plastic member and container. Additionally, the limitation "and then applying the container formed on the plastic member with an injection molding process" is interpreted to mean that the container is formed on the plastic member before the injection molding process takes place and that subsequently some injection molding process is applied to this combination. The examiner believes that these limitations were meant to recite that both the plastic member and container are formed *by* an injection molding process.

19. Claim 26 recites the limitation "the body of the container". There is insufficient antecedent basis for this limitation in the claim. Claim 25, from which claim 26 depends, does not recite a container body and it is impossible to determine which region of the container the projections recited in claim 26 are meant to extend into.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 1-14 16-18, 19, 21-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinello et al. European Patent Publication No. EP 219115 (hereafter referred to as Cinello).

22. Cinello teaches a laundering tub characterized in that the two bearings and a spacer element of the tub are disposed within the sleeve made of a plastic material of higher mechanical resistance than that of the rest of the tub. (Col. 1, lines 52-55) The spacer element is an injection molded plastic element and the sleeve is injection molded around the two bearings and the spacer element after which the rest of the tub is injection molded around the sleeve with the bearings and spacer element disposed therein. (Col. 1, line 57-Col. 2, line 3) Only the sleeve of the invention has to be made of an expensive plastic material capable of sustaining the mechanical stresses acting on the bearings while the rest of the tub can be made of an inexpensive plastic material. (Col.2 lines 7-11) The tub of the invention is adapted to contain a rotatable drum. (Col. 2, line 39) The finished tub is thus made of two different types of plastic material, namely, a more expensive first type having a high resistance against mechanical stresses, only a limited amount of which is employed for injection molding the portion supporting the drive shaft of the drum, and a less expensive second type having a lesser resistance against mechanical stresses than the previous one, which is injection molded about the plastic material of the first type at a sufficient amount for forming the remainder of the tub. (Col. 3, lines 40-49)

23. To simplify the invention disclosed by Cinello it would have been obvious to one having ordinary skill in the art at the time the invention was made to have injection

molded a plastic member made of material of capable of withstanding mechanical stresses directly onto a metal bearing shell of the type that are conventionally used and universally known in the washing machine art as claimed in claims 10, 19, 23 and 25. Cinello specifically teaches using multiple injection molding steps to form a wash tub from materials having different properties and utilizing this method of production would have eliminated the step of molding a spacer element for the bearings thus simplifying the method recited by Cinello while still retaining the functionality of having a tub with material of superior mechanical resistance in contact with the bearing shell region as claimed in claims 11-13, 21, 22, 24, 27 and 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used as little material as possible to form this region of the tub in order to save money by only use the expensive material where it was needed while finishing the injection molding process of the rest of the tub with less expensive, less mechanically resistant materials as recited by Cinello.

24. The shape of the plastic member that would be on top of the bearing shell would be dependent on the shape of the bearing shell, cost of mechanically resistant plastic material and the amount of engagement between the bearing shell and the reinforced region of the washing tub that would be necessary for optimum strength between the connection of the bearing shell to the tub. Whether the member of higher strength plastic would be a ring, an insert or a sleeve entirely encompassing all sides of the bearing shell as claimed in claims 14 and 16-18 would depend on the shape of the bearing shell and the strength of the connection desired. It would have been obvious to

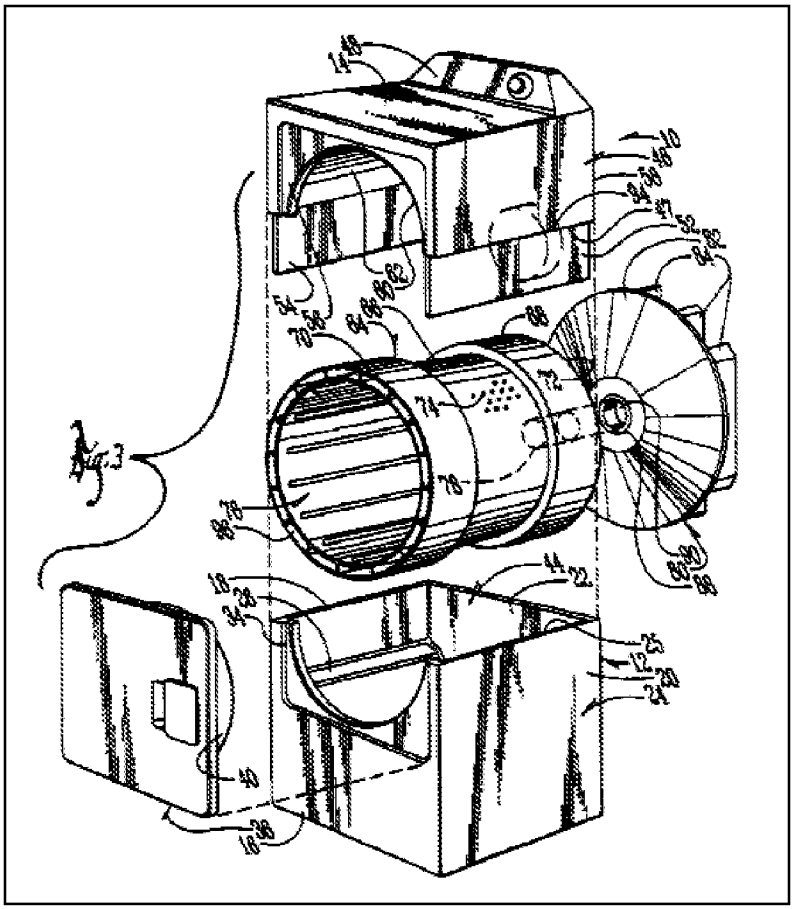
one having ordinary skill in the art at the time the invention was made to have selected the optimum configuration of the plastic member after taking all of these factors into consideration.

25. Upon considering the scope and content of the prior art, differences between the prior art and the claims at issue and having resolved the level of ordinary skill in the pertinent art it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made obvious modifications to the invention recited by Cinello in order to produce the article and method as recited in claims 1-14 16-18, 19, 21-25, 27 and 28.

26. Claims 15, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinello et al. European Patent Publication No. EP 219115 (hereafter referred to as Cinello) and Johnson U.S. Patent No. 5,711,170 (hereafter referred to as Cinello).

27. Cinello teaches what has been recited above but is silent regarding the disposition of ribs on the plastic member formed prior to the injection molding of the rest of the tub.

28. Johnson teaches a splined shaft **78** extending rearwardly from the rear wall **72** of a fabric basket **64** through a bearing **88** mounted within a spinner support **80**. Spinner support **80** is comprised of a circular plate **82** having rearwardly projecting vertical ribs **84** and also having a centrally located circular motor cavity **86** provided on the rear surface thereof. Spinner support **80** includes a centrally located shaft hole **90** which receives the splined shaft **78**, and which is surrounded by the bearing **88**. The spinner support **80** is shown in FIG. 4 to be attached to rear wall **22** of the cabinet by means of screws **92**, but other securing means may be used. For example ridges or grooves may be provided in the rear wall **22** which mate with and interlock with complimentary ridges or flanges on the rear surface of spinner support **88**. It is preferable that the spinner support **80** be formed from molded plastic, although it may be made of other materials. A motor **94** is attached to the rearward end of splined shaft **88** and drives the fabric basket 64 rotationally. (Col. 3, lines 28-45, Fig. 3)



29. Johnson and Cinello are both directed towards washing machines and encompass analogous art. The ridges or grooves recited by Johnson to provide a connection between the spinner support and complementary surfaces on the rear wall of the washing machine are a beneficial alternative to the use of screws to connect these two pieces of the washing machine together. As evidenced by Johnson the use of ridges or grooves engaged with complementary surfaces was known in the washing machine art at the time the instant invention was made.

30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed the plastic member made of mechanically resistant material disposed on the bearing shell to have ridges or grooves in order to provide a stronger connection between the plastic member and the remainder of the tub that would be injection molded from weaker material as claimed in claims 15, 20 and 26. This configuration would provide for a larger surface area of engagement between the plastic member as well as a stronger connection than what would be provided by simply injection molding the tub region on a plastic member with a flat surface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELE JACOBSON whose telephone number is (571)272-8905. The examiner can normally be reached on Monday-Thursday 8:30 AM-7 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michele L. Jacobson
Examiner /M. J./
Art Unit 1794

/Carol Chaney/
Supervisory Patent Examiner, Art Unit 1794